IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1 OF 2006
IN
CRIMINAL APPLICATION NO. 1961 OF 2005

Sanjay Sitaram Khemka ..... Applicant.

V/s

The State of Maharashtra & others. .....Respondents.

Applicant in person absent.

Mr. Y.M. Nakhwa, APP for the State.

None for other Respondents.

CORAM: V.M. KANADE, J.
DATE : 10th October, 2007.

P.C.:

1. None appears on behalf of the applicant.

2. It is the case of the applicant that a false affidavit-in-reply has been filed by Respondent No.3 through his attorney i.e. Respondent No.2.

3. I have perused the application. It is alleged by the applicant

that Respondent Nos. 2 and 3 have stated that the Petitioner is a habitual offender and number of cases are pending against him. In my view, no case is made out for initiating an inquiry under section 340 of the Criminal Procedure Code. It is an admitted position that number of cases were pending against the present applicant in various courts. A discretion is vested in this Court to decide whether inquiry under section 340 should be initiated or not. In my view, considering the facts and circumstances of the case, no case is made out for holding such inquiry. Hence, the application is dismissed.

(V.M. KANADE, J.)